

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on July 18, 2006 at 7:04 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Alliance.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Public Works Superintendent Chris Hartbank, Technology Coordinator Brian Johanpeter, Community Development Coordinator Kyle Gill, Fire Chief Bruce Grafton, Deputy Police Chief David Griffith, and City Clerk Susan O'Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting July 5, 2006; report of the Fire Department for the month of June; and payroll and bills for the first half of July and HOME Housing Rehabilitation Expenditures.

Bills and Payroll for the first half of July, 2006

General Fund

Payroll	\$	267,997.27
Bills	\$	<u>102,716.10</u>
Total	\$	370,713.37

Hotel Tax Fund

Payroll	\$	2,476.10
Bills	\$	<u>376.95</u>
Total	\$	2,853.05

Festival Management Fund

Bills	\$	<u>59,291.93</u>
Total	\$	59,291.93

Insurance and Tort

Bills	\$	<u>5,275.27</u>
Total	\$	5,275.27

Capital Project Fund

Bills	\$	<u>56,417.50</u>
Total	\$	56,417.50

Water Fund

Payroll	\$	29,832.14
Bills	\$	<u>19,873.79</u>
Total	\$	49,705.93

Sewer Fund

Payroll	\$	6,833.49
Bills	\$	<u>475,423.67</u>
Total	\$	482,257.16

Cemetery Fund

Payroll	\$	7,093.81
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Bills		\$	<u>1,440.77</u>
	Total	\$	8,534.58
<u>Motor Fuel Tax Fund</u>			
Bills		\$	<u>26,070.13</u>
	Total	\$	26,070.13
<u>Health Insurance</u>			
Bills		\$	<u>45,546.22</u>
	Total	\$	45,546.22

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

No public discussion.

NEW BUSINESS:

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2006-631, authorizing the purchase of software from VisionAIR for communication with the police department's computer aided dispatch system. *The expenditure shall be paid from the Department of Justice Federal Sharing Fund a/k/a the Omega Fund.*

Mayor White opened the floor for discussion. Mr. Herb Meeker of the Mattoon Journal Gazette inquired about the software's capabilities. Deputy Chief Griffith responded with the capabilities as including a mapping program, communication between squad cars, information checks, and access to state and federal records. Coordinator Johanpeter added the multi-jurisdictional capabilities of the software.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2006-632, authorizing the promotion of Firefighter Jeff Hilligoss to the rank of Driver/Engineer to fill the vacancy created upon the retirement of Driver/Engineer Mark Crean, effective August 1, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner McKenzie moved to adopt Special Ordinance 2006-1139, declaring surplus property and authorizing its sale or disposal of computer equipment.

CITY OF MATTOON, ILLINOIS SPECIAL ORDINANCE NO. 2006-1139

AN ORDINANCE DECLARING ADDITIONAL PERSONAL PROPERTY OWNED BY THE MUNICIPALITY SURPLUS AND AUTHORIZING ITS SALE OR DISPOSAL

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Supplies and equipment identified on an exhibit to this ordinance are hereby declared surplus to the needs of the City of Mattoon.

Gateway	E-3400	20050525
Gateway	E-3400	2106745
Gateway	E-3400	20050526
Gateway	E-3400	20050524
Gateway	GP7-600	17291492
LAPTOPS		
Compaq	Notebook 100	4803FFF1PUJP
Toshiba	Satellite ZZ250CDT/60	90910521U
Toshiba	Satellite ZZ250CDT/60	4056224?U
Toshiba	Satellite ZZ250CDT/60	90913539U
Toshiba	Satellite ZZ250CDT/60	90913590U
Toshiba	Satellite ZZ250CDT/60	90913512U
Toshiba	Satellite ZZ250CDT/60	90910551U
Toshiba	Satellite ZZ250CDT/60	90910511U
LAPTOPS (cont.)		
<i>Make</i>	<i>Model</i>	<i>Serial</i>
Toshiba	Satellite ZZ250CDT/60	90910554U
Toshiba	Satellite ZZ250CDT/60	9091347?U
Gateway	Solo 2300	804962158XXX
Gateway	Solo 2500	BC699241772
AST		37100083404
MONITORS		
IBM	15"	1565460AN24Pm W16
SAMPO	15"	T2060752E0073
Gateway	15"	15017E165041
Gateway	14"	8221080
Gateway	14"	8053594
PackardBell	14"	LTMV44602949
Nobilis	17"	1492A1499
Gateway	15"	15000640011753
Compaq	15"	17014C366667V
Dell	15"	MY08G1574760323QBOE6
Gateway	EV-700A	17014D666126
NEC	97F-BK	2Y03403YA-T
NEC	FE700+	0ZS1299YA
CyberVision	L50	4T91850619
Gateway	EV-700A	M1ABJ2021640
Gateway	VX7000	7001469
Gateway	EV-500	15069A095991
Envision	Envision	C3DN1BA608511
PRINTERS		
HP	DeskJet 895Cse	SG9151W24K

HP	DeskJet 890	US79Q110YT
HP	LaserJet 5L	USCB387509
HP	LaserJet 2100	USGZ178326
HP	LaserJet 6P	USB117305
HP	LaserJet 5L	USCB387516
HP	DeskJet 600	SG62S1NOTW
HP	LaserJet 6P	USBC025720
All hard disk drives (37) removed from the desktop and laptop computers listed in this inventory.		

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Schilling moved to approve Council Decision Request 2006-633, approving the organizational chart to formalize the management structure in the Public Works Department.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Cline moved to approve Council Decision Request 2006-634, awarding the bid from Earl Walker Co. of Sullivan in the amount of \$46,666 for the oil and chip of roads in the Dodge Grove Cemetery and Lake Paradise access roads.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Ervin moved to adopt Resolution 2006-2656, authorizing a deferred compensation provider through First Mid-Illinois Bank & Trust, pending a minimum of six employees' participation in the plan.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2006-2656**

A RESOLUTION AUTHORIZING A DEFERRED COMPENSATION PLAN

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, has, from time to time, authorized the Mayor to execute documents, permitting employees of the City of Mattoon to enroll in deferred compensation plans; and,

WHEREAS, Assistant Vice President and Trust Officer Katrina Thompson of First Mid-Illinois Bank & Trust, Mattoon, Illinois, has requested the opportunity to make available to City employees of the City of Mattoon, a deferred compensation plan written by the City of Mattoon, administered by First Mid-Illinois Bank & Trust; and,

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois deems that it is in the interest of the employees of the City of Mattoon to have deferred compensation plans available; and,

WHEREAS, the First Mid-Illinois Bank & Trust, Mattoon, Illinois, with regard to Resolution 99-2223, has a new 457(b) deferred compensation plan having six or more employee participants; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

1. That the Mayor be and is hereby authorized to execute any and all documents necessary to permit employees of the City

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White seconded by Commissioner Schilling adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,

Commissioner McKenzie, Commissioner Schilling

Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of July, 2006.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 19, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Substitute Special Ordinance 2006-1141, approving a grant agreement by and between the City of Mattoon, Illinois and John and Cheva Banas in connection with the Mattoon Midtown Redevelopment Project Area.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1141 (SUBSTITUTE)

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND JOHN AND CHEVA BANAS IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, JOHN AND CHEVA BANAS (the “**Grantee**”), have submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality's Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,

Commissioner McKenzie, Commissioner Schilling

Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of July, 2006.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 19, 2006.

EXHIBIT "A"

GRANT AGREEMENT

This Grant Agreement is made this 18th day of July, 2006, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the "Grantor"), and John and Cheva Banas of 3429 Willow Drive, Mattoon, Coles County, Illinois, (hereinafter the "Grantee"), as follows:

1. Grantor does grant unto Grantee up to the sum of Thirty Two Hundred Fifty Five and No/100 Dollars (\$3,255.00), to be disbursed as hereinafter described, subject to the following terms and conditions:

A. It is agreed and understood that approximately 15% of said grant shall be for the sole purpose of tuck pointing the building exterior at 1422 Broadway Avenue, Mattoon, Coles County, Illinois. Said exterior restoration shall be pursuant to a design which first must be acceptable to the City of Mattoon. The authorized agent acting on behalf of the City is the City Administrator or such other official the City Council may designate. The undersigned acknowledges that the primary consideration for the grant herein from the City of Mattoon unto the undersigned is to achieve an historical restoration program for the City, and, as such, the undersigned acknowledges this consideration and agrees to abide by the rules and regulations and oversight of the City of Mattoon for implementation and/or construction of said design including, but not necessarily limited to: construction of said design pursuant to the design specifications; prior consent from the City of Mattoon before any alterations or changes to the design; oversight authority on the part of the City of Mattoon during the construction of said design if reasonably necessary to ensure said design and specifications are being complied with. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved restoration work shall remain the same and not be substantially changed without prior written consent of the City within 15 years of completion of the same, which covenant shall survive the payment of the grant and remain obligatory unto the parties herein whether or not they retain control of the property or transfer the same to a third party within said 15 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of conveyance a restriction on changing said façade for said 15-year period. Said prohibition upon a substantial alteration of said exterior façade does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to commence façade restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant to be in default, to cease all future payments due hereunder, and shall rescind the grant. Though the City of Mattoon retains approval authority and oversight responsibility for the design and restoration program discussed herein, it is not responsible for the construction of the same nor for the payment of the same. Accordingly, the undersigned hereby agrees to assume all responsibility for any damages or claims for damages as a result of any injuries or claims for injuries for said façade restoration construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the undersigned, or other third parties.

B. It is agreed and understood that approximately 85% of said grant shall be for the purpose of repairing and/or replacing the roof on the building at 1418, 1420, 1422 Broadway Avenue, Mattoon, Coles County, Illinois.

C. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual construction cost of work, but not to exceed Thirty Two Hundred Fifty Five and No/100 Dollars (\$3,255.00) as determined by the City's authorized agent.

D. Said grant is to be used solely for the following described real estate, commonly known as 1418, 1420 and 1422 Broadway Avenue, Mattoon, Illinois, but more specifically described as:

**Lots Five (5) and Six (6) in Block One Hundred Nineteen (119) in the
Original Town, now City of Mattoon, Coles County, Illinois, except a strip off of the north end conveyed to the City of Mattoon for
alley purposes and subject to all party wall agreements of record; in the Original Town, now City of Mattoon, Coles County, Illinois,**

E. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.

F. It is agreed and understood that improvement of said real estate shall also include tuck pointing the exterior of 1418 and repairing the structural and roofing systems of the building premises at 1418, 1420, and 1422 Broadway Avenue suitable for use as commercial retail and office spaces with private sources of financing secured by Grantee. Grantee warrants that the total value of the improvements at 1418, 1420, and 1422 Broadway Avenue shall not be less than Thirty Two Hundred Fifty Five Dollars (\$3,255.00) including the grant authorized by this agreement.

2. Grantor shall disburse the grant funds to Grantee following the completion of all the restoration/renovation work of the actual construction cost for the work authorized within the scope of this grant, whichever is less, as certified by the City's authorized agent. The payment (s) shall only be made if this grant is valid and in full force at the time the payment is to be made.

3. This Grant is expressly contingent upon the execution of this grant agreement by Grantee and Grantor and upon presentation to Grantor of vouchers or other sufficient proof of repair and/or remodeling work authorized and approved and within the scope of this grant in amounts which exceed the grant money provided herein.

4. Grantee does hereby guarantee and covenant that it will apply the grant money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant. and shall be entitled to recover from Grantee any and all grant moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant made herein is pursuant to a Special Ordinance duly adopted by the City Council of the City of Mattoon meeting in regular session on July 18, 2006.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business, including offices and office/general business use, and that it is not its intention to use the grant money herein to remodel the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that if the building is sold to a third party, then there shall be a rebate of the grant based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant amount already paid; if sold after one year from the date of this grant but within two years of the date of this grant, then there shall be a 50% rebate of the grant amount already paid; and if sold after two years from the date of this grant but within three years of the date of this grant, then there shall be a 25% rebate of the grant amount already paid. Further, Grantor and Grantee agree that if the business operation ceases for a period in excess of thirty days, and within three years from the date of this grant, then Grantor's obligation to make continuing payments from the grant shall cease immediately and this agreement shall be null and void and of no further force and effect, and there shall be a rebate of the grant money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant, 50% after one year but within two years from the date of this grant, and 25% after two years but within three years of the date of this grant.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Mid-town Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

CITY OF MATTOON, GRANTOR

John Banas

Charles E. White, Mayor

Cheva Banas

ATTEST:

Susan J. O'Brien, City Clerk

Mayor White opened the floor for discussion. No discussion

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Special Ordinance 2006-1142, approving a grant and interest subsidy agreement by and between the City of Mattoon, Illinois and Tony M. Eaton in connection with the Mattoon Midtown Redevelopment.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1142 (SUBSTITUTE)

AN ORDINANCE APPROVING A GRANT AND INTEREST SUBSIDY AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND TONY M. EATON IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, TONY M. EATON (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant and Interest Subsidy Agreement (including all exhibits and attachments in connection therewith, the “**Grant and Interest Subsidy Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant and Interest Subsidy Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant and Interest Subsidy Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant and Interest Subsidy Agreement, desirable or necessary to implement and otherwise give full effect to the Grant and Interest Subsidy Agreement. Upon full execution thereof, the Grant and Interest Subsidy Agreement shall be attached to this ordinance as EXHIBIT “A”.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,

Commissioner McKenzie, Commissioner Schilling

Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of July, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 19, 2006.

EXHIBIT "A"

GRANT and INTEREST SUBSIDY AGREEMENT

This Grant and Interest Subsidy Agreement is made this 18th day of July, 2006, by and between the CITY OF MATTOON, Coles County, Illinois, a municipal corporation (hereinafter the "Grantor"), and Tony M. Eaton 5756 Lerna Road, Mattoon, Coles County, Illinois, (hereinafter the "Grantee"), as follows:

1. Grantor does grant unto Grantee up to the sum of Fifty Thousand and No/100 Dollars (\$50,000.00), and a Thirty (30) percent interest subsidy to apply on conventional bank financing up to Sixty Thousand and No/Dollars with an amortization term of Ten (10) years at the discretion of Tony M. Eaton to be disbursed as hereinafter described, subject to the following terms and conditions:

G. It is agreed and understood that approximately 54% of said grant shall be for the sole purpose of making restorations to the building exterior and façade at 1412 Broadway Avenue, Mattoon, Coles County, Illinois. Said exterior restoration shall be pursuant to a design which first must be acceptable to the City of Mattoon. The authorized agent acting on behalf of the City is the City Administrator or such other official the City Council may designate. Said design must include, but is not necessarily limited to, not only a rendering of the end result, but also a list of specifications such as material type, colors, and construction methods. Since this is a historical restoration project, the City of Mattoon reserves the right to demand a high level of detail concerning design, materials, colors and other construction aspects, and, further, demands strict adherence to said design. This grant is specifically contingent upon the undersigned first receiving initial design approval from the City. The undersigned acknowledges that the primary consideration for the grant herein from the City of Mattoon unto the undersigned is to achieve an historical restoration program for the City, and, as such, the undersigned acknowledges this consideration and agrees to abide by the rules and regulations and oversight of the City of Mattoon for implementation and/or construction of said design including, but not necessarily limited to: construction of said design pursuant to the design specifications; prior consent from the City of Mattoon before any alterations or changes to the design; oversight authority on the part of the City of Mattoon during the construction of said design if reasonably necessary to ensure said design and specifications are being complied with. Further, as additional consideration herein, the undersigned covenants that once completed, said City-approved restoration work shall remain the same and not be substantially changed without prior written consent of the City within 15 years of completion of the same, which covenant shall survive the payment of the grant and remain obligatory unto the parties herein whether or not they retain control of the property or transfer the same to a third party within said 15 years. Should the undersigned sell or convey all or a part of said property, it guarantees and promises unto the City of Mattoon that it shall include in the deed of conveyance a restriction on changing said façade for said 15-year period. Said prohibition upon a substantial alteration of said exterior façade does not prohibit the undersigned from periodic and regular maintenance of the same, which maintenance shall include, but not necessarily be limited to, cleaning, painting and material replacement if warranted. The undersigned agrees to commence façade restoration within 60 days of initial design approval from the City, and to proceed diligently to the completion of the same, but in no event to be completed in not less than 12 months from the date hereof. During said construction, the City, at any time, can issue a written notice to the undersigned that it is in violation of the agreed upon design and specifications heretofore approved by the City. The undersigned will have thirty (30) days from receipt of written notice of noncompliance with design to correct the same to the City's satisfaction or otherwise reach a mutually agreeable resolution of the same. If correction or a mutual resolution is not completed within said thirty (30) day response time, then in that event, the City may consider this grant and interest subsidy to be in default, to cease all future payments due hereunder, and shall rescind the grant and interest subsidy. Though the City of Mattoon retains approval authority and oversight responsibility for the design and restoration program discussed herein, it is not responsible for the construction of the same nor for the payment of the same. Accordingly, the undersigned hereby agrees to assume all responsibility for any damages or claims for damages as a result of any injuries or claims for injuries for said façade restoration construction, and, further, agrees to indemnify and hold the City of Mattoon free and harmless in association with any damages or claims for damages by the undersigned, or other third parties.

H. It is agreed and understood that approximately 46% of said grant shall be for the purposed mechanical improvements and structural repairs of the building at 1412 Broadway Avenue, Mattoon, Coles County, Illinois.

I. It is agreed and understood that there is dollar limit flexibility between the elements of construction cost as more fully set forth hereinabove. Said grant proceeds shall be based upon the actual construction cost of work, but not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) as determined by the City's authorized agent.

J. Said grant and interest subsidy is to be used solely for the following described real estate, commonly known as 1412 Broadway Avenue, Mattoon, Illinois, but more specifically described as:

A part of Lot Seven (7) in Block One Hundred Nineteen (119) in the
Original Town, now City of Mattoon, Coles County, Illinois, except a strip off of the north end conveyed to the City of Mattoon for alley purposes and subject to all party wall agreements of record; and a strip of land of even width 20 feet east and west off of the west side of Lot
Seven (7) in Block One Hundred Nineteen (119) in the
Original Town, now City of Mattoon, Coles County, Illinois,

K. Grantee shall secure the necessary building permits from Grantor, and shall indemnify and hold the Grantor harmless from any and all claims, damages, and injuries associated with or resulting from the rehabilitation and improvement of said real estate.

L. It is agreed and understood that improvement of said real estate shall also include repairing the structural and electrical systems of the building and renovation of the interior premises at 1412 Broadway Avenue suitable for use as a restaurant with private sources of financing secured by Grantee. Grantee warrants that the total value of the improvements at 1412 Broadway Avenue shall not be less than One Hundred Ten Thousand Dollars (\$110,000), including the grant authorized by this agreement.

2. Grantor shall disburse the grant funds to Grantee in annual partial payments. These partial payments shall begin on September 1, in the year following the completion of all the restoration/renovation work and said annual payments shall continue to be paid on each September 1st thereafter for a period of nine years. The amount of each partial payment shall be Five Thousand and No/100 Dollars (\$5,000.00) or one-tenth of the actual construction cost for the façade and other work authorized within the scope of this grant; whichever is less, as certified by the City's authorized agent. The payments shall only be made if this grant is valid and in full force at the time the payment is to be made. Interest Subsidy payments will be paid annually upon receipt of a photocopied 1099 or other statement of interest paid on a conventional financing of up to Sixty Thousand Dollars and No/100 (\$60,000.00) for an amortized term of 10 years.

3. This Grant and Interest Subsidy is expressly contingent upon the execution of this grant and Interest Subsidy agreement by Grantee and Grantor and upon presentation to Grantor of vouchers or other sufficient proof of repair and/or remodeling work authorized and approved and within the scope of this grant in amounts which exceed the grant money provided herein.

4. Grantee does hereby guarantee and covenant that it will apply the grant and proceeds of the Interest Subsidy conventional financing money only for the uses intended as set forth herein pursuant to the terms and conditions set forth herein.

5. Grantor's grant and interest subsidy as made herein is made contingent upon Grantee performing all of the covenants and conditions by it to be performed.

6. This is an outright grant and interest subsidy and is not repayable to Grantor unless Grantee fails to perform one or more of the covenants and conditions herein by it to be performed, and in that event, Grantor shall send written notice of said breach to Grantee and afford it an opportunity to correct the same within 30 days. Should Grantee fail to correct the breach within 30 days of said written notice, then in that event, Grantor shall rescind the grant and interest subsidy, and shall be entitled to recover from Grantee any and all grant and interest subsidy moneys heretofore delivered to Grantee, which grant money Grantee agrees to repay unto Grantor.

7. This grant and interest subsidy made herein is pursuant to a Special Ordinance duly adopted by the City Council of the City of Mattoon meeting in regular session on July 18, 2006.

8. Grantee covenants unto Grantor that it intends to retain ownership of the building for the operation of a commercial business or businesses, including offices and office/general business use, and that it is not its intention to use the grant and interest subsidy money herein to remodel the building and then resell the same to a third party. To secure this covenant, Grantor and Grantee agree that Grantor's obligation to make continuing payments from the grant and interest subsidy shall cease immediately and this agreement shall be null and void and of no further force and effect if the building is sold to a third party. Additionally, there shall be a rebate of the grant and interest subsidy based upon the following schedule: if sold within one year of the date of the grant, there shall be a 75% rebate of the grant and interest subsidy amount already paid; if sold after one year from the date of this grant and interest subsidy but within two years of the date of this grant and interest subsidy, then there shall be a 50% rebate of the grant and interest subsidy amount already paid; and if sold after two years from the date of this grant and interest subsidy but within three years of the date of this grant and interest subsidy, then there shall be a 25% rebate of the grant and interest subsidy amount already paid. Further, Grantor and Grantee agree that if the

business operation ceases for a period in excess of thirty (30) days then Grantor's obligation to make continuing payments from the grant and interest subsidy shall cease immediately and this agreement shall be null and void and of no further force and effect. Additionally, there shall be a rebate of the grant and interest subsidy money heretofore paid based upon the timeline and percent established herein for the sale of the business, being 75% within one year of the date of this grant and interest subsidy, 50% after one year but within two years from the date of this grant and interest subsidy, and 25% after two years but within three years of the date of this grant and interest subsidy.

9. Grantor reserves to itself the right to seek reimbursement for the amount expended under this grant from revenues of the Mattoon Mid-town Tax Increment Financing District.

Executed at Mattoon, Illinois, on the day and year first above written.

GRANTEE

CITY OF MATTOON, GRANTOR

Tony M. Eaton

Charles E. White, Mayor

ATTEST:

Susan J. O'Brien, City Clerk

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2006-1143, authorizing the sale of Lot 9 in Lake Paradise Subdivision to Marie Miles, current owner of a home on leased premises at Lot 9, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (*Commonly known as 3445 Pier Lane*)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1143

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 9 IN LAKE PARADISE SUBDIVISION TO MARIE MILES, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 9, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (*COMMONLY KNOWN AS 3445 PIER LANE*)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Marie Miles has made an offer to purchase the property for \$10,000; and

WHEREAS, Marie Miles owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$10,000 was the fair market value of the real estate as of June 5, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference, and;

WHEREAS, on July 5, 2006 the City Council passed Special Ordinance 2006-1133, Special Ordinance 2006 – 1133 concerned the sale of this property. The attachments to Special Ordinance were incorrect in that they actually related to another property to be sold at Lake Paradise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Marie Miles, subject to a payment of \$10,000. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 9 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. Special Ordinance 2006 – 1133 shall be repealed in its; entirety.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling , seconded by Commissioner Ervin, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u>	<u>Commissioner McKenzie, Commissioner Schilling</u>
	<u>Mayor White</u>	
NAYS (Names):	<u>None</u>	
ABSENT (Names):	<u>None</u>	

Approved this 18th day of July, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

<u>/s/ Susan J. O'Brien</u> Susan O'Brien, City Clerk	<u>/s/ J. Preston Owen</u> J. Preston Owen, City Attorney
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Recorded in the Municipality's Records on July 19, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2006-1144, authorizing the sale of Lot 78 in Lake Paradise Subdivision to Earl L. Dobbs, current owner of a home on leased premises at Lot 78, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (*Commonly known as 2912 East Lake Paradise Road*)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1144

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 78 IN LAKE PARADISE SUBDIVISION TO EARL L.

**DOBBS, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 78, LAKE PARADISE SUBDIVISION,
AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE
TRANSACTION. (COMMONLY KNOWN AS 2912 EAST LAKE PARADISE ROAD)**

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Earl L. Dobbs has made an offer to purchase the property for \$9,000; and

WHEREAS, Mr. Dobbs own the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$9,000 was the fair market value of the real estate as of May 30, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Earl L. Dobbs, subject to a payment of \$9,000. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 78 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u>	<u>Commissioner McKenzie, Commissioner Schilling</u>
	<u>Mayor White</u>	
NAYS (Names):	<u>None</u>	
ABSENT (Names):	<u>None</u>	

Approved this 18th day of July, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 19, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to adopt Special Ordinance 2006-1146, authorizing the sale of Lot 68 in Lake Paradise Subdivision to Darrell Keller, current owner of a home on leased premises at Lot 68, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (*Commonly known as 2157 Primrose Lane*)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1146

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 68 IN LAKE PARADISE SUBDIVISION TO DARRELL KELLER, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 68, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (*COMMONLY KNOWN AS 2157 PRIMROSE LANE*)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Darrell Keller has made an offer to purchase the property for \$11,000; and

WHEREAS, Mr. Keller owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$11,000 was the fair market value of the real estate as of June 8, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Darrell Keller, subject to a payment of \$11,000. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 68 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Cline, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling
Mayor White
NAYS (Names): None
ABSENT (Names): None

Approved this 18th day of July, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 19, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2006-1145, authorizing the sale of Lot 79 in Lake Paradise Subdivision to Hilda Fry, current owner of a home on leased premises at Lot 79, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (*Commonly known as 2918 East Lake Paradise Road*)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1145

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 79 IN LAKE PARADISE SUBDIVISION TO HILDA FRY, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 79, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (*COMMONLY KNOWN AS 2918 EAST LAKE PARADISE ROAD*)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Hilda Fry has made an offer to purchase the property for \$7,500; and

WHEREAS, Ms. Fry owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$7,500 was the fair market value of the real estate as of May 30, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Jerry Smith has made an offer to purchase the property for \$10,000; and

WHEREAS, Mr. Smith owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$10,000 was the fair market value of the real estate as of May 30, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Jerry Smith, subject to a payment of \$10,000. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 77 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u>	<u>Commissioner McKenzie, Commissioner Schilling</u>
	<u>Mayor White</u>	
NAYS (Names):	<u>None</u>	
ABSENT (Names):	<u>None</u>	

Approved this 18th day of July, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

<u>/s/ Susan J. O'Brien</u> Susan O'Brien, City Clerk	<u>/s/ J. Preston Owen</u> J. Preston Owen, City Attorney
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Recorded in the Municipality's Records on July 19, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to adopt Special Ordinance 2006-1148, authorizing the sale of

Lot 62 in Lake Paradise Subdivision to Beatrice Waggoner, current owner of a home on leased premises at Lot 62, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (*Commonly known as 2957 East Lake Paradise Road*)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1148

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 62 IN LAKE PARADISE SUBDIVISION TO BEATRICE WAGGONER, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 62, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (*COMMONLY KNOWN AS 2957 EAST LAKE PARADISE ROAD*)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Beatrice Waggoner has made an offer to purchase the property for \$20,500; and

WHEREAS, Ms. Waggoner owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$20,500 was the fair market value of the real estate as of June 13, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Beatrice Waggoner, subject to a payment of \$20,500. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 62 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Cline, adopted this 18th day of July, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,

Commissioner McKenzie, Commissioner Schilling

Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of July, 2006.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois
APPROVED AS TO FORM:

ATTEST:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 19, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-635, awarding the bid for asbestos removal at 1621 Richmond Avenue.

Mayor White opened the floor for discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to approve Council Decision Request 2006-636, authorizing the purchase of water meters.

Mayor White opened the floor for discussion. Commissioner Schilling inquired as to the progress of the replacement plan, Attorney/Treasurer Owen described the replacements were for the inoperable meters. Public Works Superintendent Hartbank responded with the meters were completing the residential batch replacements. Attorney/Treasurer Owen notified the Council of the next phase by replacing larger water meters.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 7:18 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the mandated semi-annual review of lawfully closed session minutes (5 ILCS 120(2)(c)(21)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); and the price for sale or lease of property (5 ILCS 120(2)(c)(6)).

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Mayor White.

Council reconvened at 8.29 p.m.

Director Wortman notified the Council of his flight to Pittsburg, Pennsylvania with Ms. Angela Griffin of Coles Together to meet with FutureGen representatives and the readiness of the State of Illinois, pending the FutureGen final four announcement including Mattoon as a finalist. Council discussed FutureGen's progress and the City's potential for being in the final four.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-637, authorizing release of all Executive Session minutes from May 3, 1991 through June 20, 2006, except for May 3, 16, 23, 1991; May 19, 1992; August 8, 2002; March 18, 2003; April 1, 2003; March 2, 16, 2004; July 7, 2004; August 3, 17, 2004; September 7, 2004; October 19, 2004; December 21, 2004; March 1, 15, 2005; April 5, 19, 2005; May 3, 2005; June 7, 21, 2005; July 6, 19, 2005; August 2, 2005; September 6, 2005; October 4, 2005; March 21, 2006; April 4, 2006; June 6, 20, 2006; and to approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: January 20, 2004; and June 15, 2004.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adjourn at 8:38 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk